

REMARKS

Claim 1-16 are pending in the present application with claim 1 and 16 amended and claim 17 added. Applicant notes with appreciation that the Examiner has objected to claims 2-15 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As explained in the previous Amendment, Applicant notes that claim 8 is an independent claim. Therefore, Applicant respectfully submits that claim 8 and its dependent claims 9-15 are in condition for allowance and respectfully requests that the Examiner withdraw the objection to claims 8-15. Reexamination and reconsideration of claims 1 and 16 are respectfully requested.

Applicant has amended claims 1 and 16 to insert a colon after the word comprising.

The Examiner rejected claims 1 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Murphy (US 4667558) in view of Arimori (US 64692387). The rejection is respectfully traversed, because neither reference discloses certain recitations in both claims 1 and 16.

Claim 1 is directed to a music rack comprising a desk board. A document can be placed on the desk board, and the desk board can be changed from a rest position through a maximum attitude angle position to a release position. The music rack further comprises an attitude changing system that permits the desk board to change its position in a stepless manner. It allows the “desk board to return to said rest position when said desk board reaches the release position.”

In contrast, neither Murphy nor Arimori disclose allowing a desk board to return to a rest position when it reaches the release position. Murphy discloses an adjustable music rack for an organ. The music rack can be adjusted in several ways. It can be lowered or elevated with relation to the keyboard, and the angle of repose can be adjusted (see, e.g., Col. 1, lines 15-22). The Examiner has cited knob 77 that allows for the first type of adjustment. Col. 4, lines 21-26 describes the knob can be turned to raise or lower the music holding board 61. The knob 77 is attached to a rod 76 that has a threaded portion 79 (see Fig. 5). This portion engages with threaded hole 59. Thus, by turning the knob 77, the music rack is lowered or raised through the engagement of the

threaded portion 79 with the threaded hole 59. This arrangement does not have a release position that allows the music holding board 61 to return to the rest position. The user must instead turn the knob until the music holding board 61 is at any desired position.

As discussed above, the music rack of Murphy can also be adjusted by changing the angle of repose. Col. 3, line 66 to Col. 4, line 3 describes that the angle of repose can be adjusted by a tang and wing nut arrangement. The tang on element 58 can pivot in a slot of member 55 (see Fig. 5). The desired angle of repose is chosen by pivoting the tang and then set by tightening the wing nut 57. Thus, once again, there is no release position that allows the music holding board 61 to return to the rest position. The user has to unscrew the wing nut, pivot the tang and then tighten the wing nut to position the music holding board 61 at any desired position.

Arimori also does not disclose allowing a “desk board to return to said rest position when said desk board reaches the release position.” Arimori is directed to an apparatus for opening and closing a top board of a grand piano. As illustrated in Fig. 1, the top board 1 of the grand piano is supported by a gear-type jack. The gear-type jack lowers or raises the top board through a handle 13 connected to a driving shaft 10 (see Fig. 2). The rotation of the driving shaft 10 results in the worm wheel 8 to be rotated through worm 11, thereby raising or lower rod 7 (see, e.g., Col. 4, lines 6-13; Fig. 3). Arimori does not disclose adjusting a *desk board*, but rather a top board of a grand piano. Moreover, Arimori does not disclose a release position that allows the top board to return to the rest position. The user must rotate the handle until the top board reaches any desired position.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated by or obvious in view of Murphy and Arimori, either alone or in combination.

Claim 16 is also directed to a music rack comprising a desk board on which a document is put. The music rack further comprises an attitude changing system that permits the “the desk board to change the position in a stepless manner from said rest position to said maximum attitude angle position when a force is exerted on said desk board and keeping said desk board at any

position between said rest position and said maximum attitude angle position when said forced is removed from said desk board.” Neither Murphy nor Arimori discloses this recitation.

In Murphy, when knob 77 is turned to make the first type of adjustment discussed above, the music holding board 61 does not change from a rest position to a maximum attitude angle position, because it remains at the same angle. It simply moves up and down along the same angle (see, e.g., Fig. 2A, arrows near reference numeral 112). To change the angle of repose (the second type of adjustment discussed above), the wing nut 57 is loosened to allow the tang to pivot. The tang pivots presumably by manually moving the music holding board 61. However, if one’s hand stops moving the board, the board will not stay at that position. Murphy requires the user to hold the board and then tighten the wing nut to hold that position. Thus, for the angle of repose adjustment, Murphy cannot keep the desk board at a position once the force is removed from the desk board.

Arimori does not disclose the above recitation with respect to claim 16, because it does not even disclose exerting a force on a desk board but rather is directed to a top board. Accordingly, Applicant respectfully submits that claim 16 is not anticipated by or obvious in view of Murphy and Arimori, either alone or in combination.

Applicant further contends that the combination of Murphy and Arimori is based on hindsight even if, arguendo, Murphy and Arimori in combination disclosed all the recitations of claims 1 and 16. The combination is based on hindsight, because there is no motivation to combine Murphy and Arimori. First, Arimori teaches away from combining with the adjustable music holding board of Murphy, because Arimori discloses an adjustable top board – not a desk board. Indeed, the music holding board that is disclosed in Arimori is not adjusted by any gear-type jack (see Fig. 9). Second, the combination of Murphy and Arimori would not work for its intended purpose. Arimori adjusts the top board which is equivalent to the top board 15 of the organ of Murphy. To combine the gear-type jack of Arimori with the top board of Murphy will result in the top board – not the music holding member – being adjustable.

Accordingly, Applicant respectfully submits that claims 1 and 16 are not anticipated by or obvious in view of Murphy and Arimori (either alone or in combination) for the reasons set forth above. Applicant has added a new claim that recites a system comprising a clutch, which neither Murphy nor Arimori discloses. Accordingly, each of the presently pending claims in this application is believed to be in immediate condition for allowance. The Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032030100.

Dated: August 2, 2004

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5630